



## MEMORANDUM ENDORSED

HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

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**LAW DEPARTMENT**  
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December 23, 2022

**VIA ECF**

Hon. Gabriel W. Gorenstein  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *J.A., et al. v. New York City Dep't of Educ.*, 22-cv-9454(VEC)(GWG)

Dear Magistrate Judge Gorenstein:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq. ("IDEA"), as well as for this action.

I write to respectfully request that the conference currently scheduled for December 28, 2022 at 10:30 AM be adjourned *sine die*, and that the parties' time to file the "Proposed Scheduling Order," be similarly extended. Plaintiffs consent to this request.

Due to Defendant's pending request (ECF No. 15<sup>1</sup>) for a separate pre-motion conference to which Plaintiffs response is due by January 9, 2023, and the anticipated consolidation motion, the parties believe that an initial case management conference is unnecessary, or at least premature. The Court's decision on Defendant's motion will have an impact on the scheduling of Plaintiff's motion for attorney's fees, as well as Defendant's anticipated motion for summary judgment. Because this case (as well as the three others sought to be consolidated) are IDEA fees-only, no fact or expert discovery will take place, no trial will occur, nor will settlement be possible *sans* motion practice. In this case, should the Court deny Defendant's motion to consolidate this matter,

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<sup>1</sup> Defendant filed its letter motion to Judge Caproni rather than to Your Honor because a motion to consolidate here would implicate three other federal actions not currently referred to Your Honor. Defendant notes Your Honor's Memorandum Endorsement at ECF No. 17 indicating that Your Honor will handle this request, and thus Defendant apologizes to the Court if Defendant's letter motion was misdirected to Judge Caproni and resulted in any inconvenience to the Court.

Defendant intends to move (or cross-move) for summary judgment on the issue of Plaintiff's status or lack thereof as a prevailing party. A briefing schedule will need to be set at that time, but in the parties' view no conference will be necessary.

Thus, Defendant requests that the initial case management conference with Your Honor be adjourned *sine die*.

Thank you for considering this request.

Respectfully submitted,

/s/

Thomas Lindeman

Special Assistant Corporation Counsel

cc: Tracey Spencer Walsh (via ECF)

The conference scheduled for December 28, 2022, is adjourned sine die.

SO ORDERED.



GABRIEL W. CORENSTEIN  
United States Magistrate Judge

December 27, 2022